

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**DEWAYNE NICHOLAS
Reg. #18318-074**

PETITIONER

CASE NO.: 2:08CV00112 SWW/BD

**T.C. OUTLAW,
Warden, FCI- Forrest City, et al.**

RESPONDENT

ORDER

Pending is Petitioner's Motion to Stay his petition for writ of habeas corpus under 28 U.S.C. § 2241 (docket entry #6). Petitioner claims *Gatewood v. T.C. Outlaw*, CA 08-2197 (8th Cir. filed May 29, 2008), now pending before the Court of Appeals for the Eighth Circuit, will determine the outcome of his case. Petitioner requests a stay of his petition pending a decision in *Gatewood*. The Respondent has not objected to the motion to stay. Because the claim in this petition is similar to the claim in *Gatewood*, Petitioner's Motion to Stay is GRANTED. The Clerk of the Court is directed to administratively terminate the case. The parties are directed to file a motion to reopen the case within forty-five days of a mandate being issued by the Eighth Circuit in *Gatewood*. If a motion to reopen the case is not filed by either party within forty-five days of the mandate, the Court will dismiss the petition with prejudice.

IT IS SO ORDERED this 3rd of July, 2008.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE